

Serial No. 10/629,408  
Ratasuk et al.  
Case No. CE10274R

### REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Applicants has cancelled claims 7, 12, 18 and 20 and added new claim 27. Claims 1-6, 8-11, 13-17, 19 and 21-27 are currently pending.

In the Office Action it is stated that claims 1-12, 16-23 and 26 are rejected under 35 U.S.C. § 102(e), but the context of the rejection is based on the claims rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0082301 to Agin et al. in view of United States Patent No. 6,473,442 to Lundsjo et al. Applicant has amended claims 1 and 21 to overcome the rejection. In particular, claims 1 and 21 state that the rate matching (RM) parameters are selected based on a reference service selected from one of the plurality of services being provided such that  $\{RM_1, RM_2, \dots, RM_n\} = \{\alpha_1 RM_1, \alpha_2 RM_1, \dots, \alpha_n RM_n\}$  where  $\alpha$  is the rate matching parameter ratio for a communication service. Furthermore, the claims are amended such that  $\alpha_i = \beta \times \log\left(\frac{SFER_i}{SFER_r}\right)$  where SFER is the service frame error rate..

Accordingly, the rate matching parameter is proportional to the rate matching parameter of the reference service. The reference service can be selected on any number of different parameters. The proportion of the rate matching parameter is given as a function of the service frame rate energy and the power level transmit energy of the reference service.

As stated in the Office Action, Agin does not disclose selecting rate matching parameters for each of the at communication services independently of transmission energy factors. Moreover, Lundsjo does not disclose using a rate matching parameter that is proportional to a reference service and that is a function of the service frame rate energy and the power level transmit energy. Accordingly, applicants respectfully submit that the combination of Agin and Lundsjo does not disclose teach or suggest the present invention as found in claims 1 and 21. Claims 1 and 21 are therefore not obvious in view of the cited references. In addition, pending claims 2-6, 8-11, 16-17, 19, 22-23, 25 and 26 depend upon and include the limitations of claims 1 and 21. These dependent claims are

Serial No. 10/629,408  
Ratasuk et al.  
Case No. CE10274R

not obvious in view of Agin and Lundsjo for the reasons given above. Applicants respectfully request that this rejection under Section 103(a) be withdrawn.

Claim 13, 14 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Agin in view of Lundsjo and in further view of "QOS Tuning and Resource Sharing for UMTS WCDMA Multiservice Mobile" by Baey et al. Claims 13 and 14 depend upon and include the limitations of claim 1 and claim 24 depend upon and includes the limitations of claim 21. Baey does not disclose using a rate matching parameter that is proportional to a reference service and that is a function of the service frame rate energy and the power level transmit energy. Thus, applicants respectfully submit that the cited references do not disclose, teach or otherwise suggest the invention claimed by claims 13, 14 and 24. These claims are therefore non-obvious. Applicants respectfully request that this rejection under Section 103(a) be withdrawn.

Applicants note that claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added new claim 27 that takes original claim 15 and rewrites into an independent claim as suggested in the Office Action. As such, applicants respectfully submit that new claim 17 is allowable.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Serial No. 10/629,408  
Ratasuk et al.  
Case No. CE10274R

Please charge any fees associated herewith, including extension of time fees, to  
50-2117.

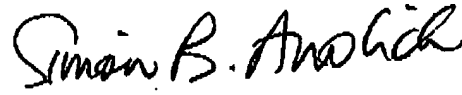
Respectfully submitted,  
Rapeepat Ratasuk et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: 22917

By: \_\_\_\_\_



Simon B. Anolick  
Attorney for Applicant  
Registration No.: 37,585  
Telephone: 847-576-4234  
Fax: 847-576-3750